

NDIFUNA UKWAZI



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c/o: julian@nu.org.za
juliansendin@gmail.com
8 September 2016

To: Mr Kevin Jacoby
Executive Director: Finance
Property Management
City of Cape Town
By email: kevin.jacoby@capetown.gov.za

Copies to:

Alderman Ian Neilson
Executive Deputy Mayor
City of Cape Town
By email: ian.neilson@capetown.gov.za

To: Alderman Patricia de Lille
Executive Mayor
City of Cape Town
By email: DeLille@capetown.gov.za

Dear Mr. Jacoby

RE: DISPOSAL OF ERF 165639, FORESHORE KNOWN AS "SITE B" - REQUEST FOR INFORMATION

1. Ndifuna Ukwazi ("NU") is a non-profit organisation and legal clinic that works to promote the realisation of Constitutional rights and social justice. NU's core mission is to advance urban land justice and access to well-located affordable housing in the City of Cape Town through providing legal, advocacy and related support to communities and social movements.
2. We write to you regarding the proposed disposal of Erf 165639, located on Lower Long Street (hereinafter, "Site B"), currently owned by the City of Cape Town Municipal Government ("the City").

3. On 27 March 2015, Mayor Patricia de Lille announced the planned release of Site B to the private sector along with several other sites. The Mayor stated that the aforementioned sites would be disposed of as they were “no longer required for municipal purposes”.¹
4. As far as we are aware, Site B is the last remaining of eight parcels of land which were subdivided after the demolition of the Foreshore Power Station Site. The other seven sites have been sold by the City to developers and have subsequently been developed into high end office and hotel spaces.
5. On 21 August 2016 a news article quoted Deputy Executive Mayor Neilson as stating that Site B had been put on auction in 2015, but that the City did not get the price it wanted.²
6. We understand that Site B was scheduled for disposal of by way of a public auction on **Wednesday 7 September 2016**.
7. While we understand that not every piece of well-located state owned land will be suitable for affordable housing, we note with concern that without a comprehensive strategic plan linking the City’s expansive property portfolio to its service delivery objectives (including, but not limited to the objectives of the City’s Human Settlements Directorate) that such disposals would amount to a series of ad hoc disposals, that hinder the City’s ability to advance its service delivery objectives.
8. Therefore, we request the following information regarding the disposal of Site B and related processes:
 - 8.1. The final decisions taken in respect of the disposal of Site B, and the reasons for those decisions, including the determination that Site B is not needed to provide the minimum level of basic services, as contemplated by section 14 of the Municipal Finance Management Act, 56 of 2003 (“MFMA”); and
 - 8.2. The decision in respect of disposal via auction as opposed to a tender process as envisioned by Regulation 12 of the Municipal Asset Transfer Regulations³ read in conjunction with Regulation 40 (2) of the Municipal Supply Chain Regulations⁴. Including, but not limited to, the reasons an auction would be considered more advantageous to the City.⁵

¹ Available at: http://www.capetown.gov.za/en/mayor/DeLilleSpeeches/Statement_City_releases_major_properties.pdf

² Available at: <http://www.iol.co.za/capetimes/citys-land-plans-slated-2059506>.

³ Government Gazette, No. 31346 22 August 2008.

⁴ Government Gazette, No. 27636 30 May 2005.

⁵ Section 358 City of Cape Town Supply Chain management Policy, C 16/07/13 approved 31 July 2013.

8.3. If there is a holistic plan linking property management to socio-economic objectives, particularly in relation to City owned land in the inner city and surrounds, that this be made available to us.

9. Finally, we request that you acknowledge receipt of this letter and provide the information requested by close of business on **Friday 16th September 2016**.

Yours faithfully,

NDIFUNA UKWAZI

Per: Julian Sendin